

AGENDA
WILLIAMSTOWN BOARD OF SELECTMEN
March 22, 2010
7:00 P.M.

1. CHAIRMAN'S OPENING STATEMENT:

2. SELECTMEN'S MINUTES: March 8, 2010

3. PUBLIC HEARING:

A. 7:05 P.M. Public Hearing for an Application from Taconic Golf Club, Inc., 19 Meacham Street, Williamstown, for a Change of License Type from a Seasonal All Alcoholic Beverage Club License to a Seasonal All Alcoholic Restaurant License, Gregory Canales, Manager.

4. ITEMS FOR SELECTMEN CONSIDERATION:

A. Williamstown Garden Club Spring Plant Sale – Saturday, May 15 (Neely)

B. Selectmen Appointments:
Hoosac Water Quality District Commission (3 years expiring March 31, 2013)
Elaine Neely, Charles Schlesinger

Board of Registrars of Voters (3 years expiring March 31, 2013) Robert Jones

C. Berkshire Restaurant Group, LLC Pledge of License Agreement (Aaronson)

D. 750 North Hoosac Road Water (Jeffrey McLain)

E. Stretch Building Code (Ennis & Nylen)

F. Department of Conservation & Recreation Land Acquisition and Conservation
Restriction Notice and Waiver of Notice

G. 2010 Annual Town Meeting Draft Warrant

5. PETITIONER'S REQUEST:

6. TOWN MANAGER'S REPORT:

7. OTHER BUSINESS:

8. ADJOURN:

The next Selectmen meeting is on Monday, April 12, 2010 at 7:00 p.m.

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
March 22, 2010
7:00 P.M.

Present: Tom Costley, Chairman, David A. Rempell, Jane B. Allen, Ronald Turbin, Thomas Sheldon

Others Present: Alan Marden, Jim Morocco, Elaine Neely, Bob Jones, Harris Aaronson, Jeffrey McLain, Halsey McLain, Susan Merchant, Christine Higby, Tim Kaiser, Nancy Nylen, Tom Ennis, David Archibald, Peter Fohlin, Kathy Poirot

4. CHAIRMAN'S OPENING STATEMENT: None

5. SELECTMEN'S MINUTES: March 8, 2010 – Ms. Allen moved to approve the March 8, 2010 minutes. Mr. Rempell seconded and the motion carried 4-0-1. Mr. Sheldon abstained

6. PUBLIC HEARING:

A. 7:05 P.M. Public Hearing for an Application from Taconic Golf Club, Inc., 19 Meacham Street, Williamstown, for a Change of License Type from a Seasonal All Alcoholic Beverage Club License to a Seasonal All Alcoholic Restaurant License, Gregory Canales, Manager. – Chairman Costley opened the public hearing at 7:06 p.m.

House Chairman for the Taconic Golf Club, Alan Marden, explained to the Board that the Club's intention was not to become a restaurant but on occasion they do have others attending functions. Mr. Fohlin said there is a sign posted that the Club is open for lunch and if invited guests attend lunch, they should be guests of the Club. In addition, Mr. Fohlin informed the applicant and the Board that after researching this application and conferring with town counsel for the past several days, town counsel's opinion stated that the change from club license to restaurant license would require a special permit from the Zoning Board of Appeals pursuant to section 70-1.4C93) of the Town's Zoning Bylaws. This is based largely on previous rulings by the ZBA in 1962 and 1968. Mr. Kolesar of Williams College confirmed that the Taconic Golf Club is an entity separate from the college governed by its own board and managing its own finances and that the college is the landlord.

Mr. Costley closed the public hearing. Mr. Marden asked to withdraw the license application.

4. ITEMS FOR SELECTMEN CONSIDERATION:

A. Williamstown Garden Club Spring Plant Sale – Saturday, May 15 – Elaine Neely, President of the Garden Club requested permission to use the town green for the spring plant sale on Saturday, May 15 from 7:30 am to 3 pm. Funds raised from this sale will help the Club pay for plant materials used in town beautification projects and will help in the renovation of the east end garden at Field Park and with the new addition of a garden on the west end of Field Park. Mr. Rempell moved to grant permission to use the town green on May 15. Mr. Sheldon seconded and the motion carried unanimously.

B. Selectmen Appointments:

Hoosac Water Quality District Commission (3 years expiring March 31, 2013)
Elaine Neely, Charles Schlesinger

Ms. Allen moved to re-appoint Elaine Neely and Charles Schlesinger to a three-year term as Hoosac Water Quality District Commissioners. Mr. Turbin seconded and the motion carried unanimously. The Board added their deep appreciation for Ms. Neely's and Mr. Schlesinger's service on the Commission. Ms. Poirot swore in Ms. Neely.

Board of Registrars of Voters (3 years expiring March 31, 2013) Robert Jones

Mr. Turbin moved to re-appoint Robert Jones to a three-year term on the Board of Registrars of Voters. Ms. Allen seconded and the motion carried unanimously. The Board added their deep appreciation for Mr. Jones's many years of service. Ms. Poirot swore in Mr. Jones.

H. Berkshire Restaurant Group, LLC Pledge of License Agreement – Attorney Aaronson asked that the Board approve a pledge agreement with the Berkshire Restaurant Group LLC that recognized the Williamstown Savings Bank's interest in any transfer or other action on the license. He added the pledge was required to secure the bank loan. The Alcohol and Beverage Commission form 43 was amended and presented for selectmen's signatures. Mr. Rempell moved the Board approve the pledge agreement as presented and sign the amended ABCC form 43. Ms. Allen seconded and the motion carried unanimously.

I. 750 North Hoosac Road Water – Jeffrey McLain and Susan Merchant on behalf their father Halsey McLain of 750 North Hoosac Road came before the Board with a complaint that water has been flowing into their back yard since several lots above them, off Birch Lane, had been developed. He said the contour of one of the lots changed significantly to create a flat building lot and access road, diverting water into their yard and turning it into a swamp year-round. Ms. Merchant said their situation was caused by negligent planning. Ms. Merchant said that she and her brother said developer Charles Fox had agreed to address the issues but they have not seen any changes yet. Mr. Fohlin said the McLains' explanation was factually correct but Mr. Fox was not in attendance and might disagree. The McLains asked that Mr. Fox be ordered to fix the issue but the Board said their hands were tied because the town had no authority over this issue and that the McLains' only recourse was through the courts.

Mr. Fohlin said the town's control over drainage plans and storm water management design is limited to subdivisions of at least eight lots and there is no method under state law or town bylaw for the building inspector to exert any control over the site itself. He said the town had tried to intercede by discussing the issue more than once with Mr. Fox.

Ms. Allen said she understands the McLains' frustration, having had to deal with water issues caused by others in her Luce Road neighborhood since the removal of trees for the North Adams Airport project. Ms. Allen said that it makes her angry that recourse for those impacted by these issues require money to be able to fight this in court and these residents don't all have the money. Mr. Costley said the family's presence here has brought public attention to the problem but this is a matter of private property and reiterated that there is nothing the town can do. Mr. McLain said he would like to draft

a law that applies to his situation as a next step.

J. Stretch Building Code – COOL Committee members Nancy Nylen and Thomas Ennis gave a power point presentation on the benefit of supporting the Stretch Building Code. The stretch building code is one of five criteria needed to designate the town as a Green Community. The stretch building code, if accepted at town meeting, will accept a more stringent building code that reinforces its commitment to energy reduction. New buildings would have to align with HERS, the Home Energy Rating System, based on insulation, equipment, thermal efficiency and a “blower” test to determine air leakage. Ms. Nylen said the state adopted a new energy code with new performance standards and the stretch code is a little “stretch” beyond that. Mr. Ennis said the added cost of building to the stretch code is anywhere from \$1,000 to \$8,000, depending on the region and building, another \$300 for a HERS tester who is subsidized by the Energy Star program. Mr. Ennis explained that the net savings is the energy savings minus the increased mortgage payments attributable to the energy enhancement building features. An annual average energy savings baseline of \$1364 minus an average annual incremental mortgage payment of \$527 leads to a net annual savings of \$837. The code would be somewhat different when applied to additions, renovations and certain commercial buildings since it would follow the “prescriptive” option of slightly better insulation and higher equipment and appliance efficiency standards.

Mr. Rempell said there is no question it’s going in the right direction but he was concerned that it created the idea it was more costly to build in Williamstown and he feared that this piece could lead to an inappropriate perception of what we do here in town. Ms. Nylen said most builders are already incorporating higher energy-efficiency standards. Mr. Ennis agreed that work is needed to increase builder education, particularly in the area of building science so they can understand the savings potential in order to educate homeowners. Ms. Nylen said the Center of Ecological Technologies will hold a meeting on the building code for residents and builders on Thursday, April 29, at town hall. Mr. Sheldon suggested that the COOL Committee and the Center for Ecological Technology aggressively reach out to builders and architects before the public meeting and then attempt to build a communications bridge to the builders and architects during and after the meeting so as to enlist their continuing cooperation. Ms. Nylen thanked Mr. Sheldon for his suggestion.

K. Department of Conservation & Recreation Land Acquisition and Conservation Restriction Notice and Waiver of Notice – At the request of the DCR, Chairman Costley publicly announced the DCR’s interest in buying 20 acres and conserving the balance of 180 acres off of Blair Road. Mr. Sheldon moved that the Board waive the 120-day notice period required in the regulations for land acquisitions for conservation of the Commonwealth’s natural resources in connection with the proposed acquisition by the Department in the Town of Williamstown and confirm the waiver with a signature on the waiver form by the Chairman of the Board of Selectmen. Mr. Turbin seconded and the motion carried unanimously.

L. 2010 Annual Town Meeting Draft Warrant – Mr. Fohlin presented a draft town Meeting warrant but before he proceeded to go over it he deferred to Mount Greylock School Committee Chairman David Archibald. Mr. Archibald announced the school district’s intent to place two debt exclusion override questions on the May ballot. The ballot question would ask that the Town be allowed to exempt from the provisions of proposition 2 ½, the amounts required to pay for the bond issued in order to upgrade the

Mount Greylock Regional School heating plant and to repair the boys and girls locker room ceiling. The second ballot question would ask that the Town be allowed to exempt from the provisions of proposition 2 ½ the amounts required to pay for the bond issued in order to repair the roof on the high school. The Selectmen will need to vote to place the two Mount Greylock debt exclusion override questions on the ballot as soon as the specific ballot questions wording are approved by town counsel. Mr. Fohlin went over each draft warrant article and said that there are several typos and revisions that are presently being worked on. He added that selectmen will vote on the sewer and water rates at their April 12 meeting.

5. PETITIONER'S REQUEST: None

6. TOWN MANAGER'S REPORT: See attached.

7. OTHER BUSINESS: Mr. Sheldon gave kudos to Coach Maker and to the men's basketball team for an outstanding Williams College men's basketball season. Ms. Allen reported that the police department conducted 21 alcohol compliance checks using one plain clothed police officer and one 17 year old male. Twenty of the 21 establishments passed. Mezze Bistro and Bar failed and criminal charges were made against the server and Nancy Thomas, owner. Ms. Allen asked that Chief Johnson invite Ms. Thomas to the April 12 selectmen meeting.

8. ADJOURN: Chairman Costley adjourned the meeting at 9:20 p.m. The next Selectmen meeting is on Monday, April 12, 2010 at 7:00 p.m.

Respectfully submitted,

Thomas E. Sheldon, Secretary

TES/kp